The Honorable Thomas S. Zilly

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

JUAN TAJALLE, Plaintiff, vs. CITY OF SEATTLE, SEATTLE PUBLIC LIBRARY, OFFICER SAM 8, a.k.a. JOHN DOE #1, and JOHN DOE #2, Defendants.	No. C07 1509TSZ [PROPOSED] ORDER ON DEFENDANTS' MOTION FOR SUMMARY JUDGMENT AND TO DISMISS FOR FAILURE TO STATE A CLAIM UPON WHICH RELIEF CAN BE GRANTED NOTED FOR 2/1/08

This matter having come on for hearing on Defendants' Motion for Summary Judgment and to Dismiss for Failure to State a Claim for Which Relief Can Be Granted, and this court having considered the submissions of the parties,

IT IS HEREBY ORDERED that this Court hereby GRANTS the motion, and ORDERS as follows:

1. Plaintiff's First Cause of Action is dismissed under Fed. R. Civ. P. 56(c), with prejudice;

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2. Plaintiff's Second, Third, Fourth, and Fifth Causes of Action are dismissed under Fed. R. Civ. P. 12(b)(6), with prejudice;

3. The defendant security officers and Doe defendants are dismissed as qualifiedly immune to suit;

4. The Court will not retain supplemental jurisdiction of plaintiff's Sixth and Seventh Causes of Action, and accordingly dismisses them, without prejudice to refile these claims in state court.

5. Each party shall bear its own costs.

DATED this _____ day of ______________________, 2008.

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THOMAS S. ZILLY,
UNITED STATES DISTRICT COURT JUDGE

Presented by:

THOMAS A. CARR
Seattle City Attorney

By: ______________________________
JEFFREY M. COWAN, WSBA #19205
Assistant City Attorney
Attorneys for Defendants

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